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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,119	12/30/2003	John Timothy Allen	WEAT/0142D2	1731

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EXAMINER

THOMPSON, KENNETH L

ART UNIT PAPER NUMBER

3672

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,119

Applicant(s)

ALLEN ET AL.

Examiner

Kenneth Thompson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 25-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 25-34,37 and 39-52 is/are rejected.
- 7) ☒ Claim(s) 35,36 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4 April 2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-33, 37, 39, 40 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaffer, U.S. 2,510,719.

Regarding claims 25 and 52, Shaffer discloses a body (5); a channel (about 12) extending through the body for receiving the torque transmission member (12), engagement members or rollers (13) coupled to the body adapted to engage the torque transmission member (12), and one or more guide members (11,7) coupled to the engagement members, wherein movement of the guide members (11) causes the engagement members (13) to engage or disengage the torque transmission member (col. 1, lines 53-62).

As to claim 26, Shaffer discloses an axle (14) mating with the guide members (11).

As to claim 27, Shaffer discloses the axle (14) is movable along the guide members (7).

As to claims 28 and 29, Shaffer discloses the body (5) having two releasably connected body portions (7,8).

As to claim 30, Shaffer discloses the engagement members (13) comprises a (cylindrical) profile for engaging the torque transmission member (12).

As to claim 31, Shaffer discloses the profile is adapted to transfer torque to the torque transmission member (col. 2, lines 4-16).

As to claim 32, Shaffer discloses the apparatus is coupled to a rotary table (col. 1, lines 36-41).

As to claim 33, Shaffer discloses the engagement members (13) are radially moveable (col. 1, lines 49-52).

As to claim 37, Shaffer discloses the engagement members (13) are coupled to two intersecting (at 9 and 10) guide members (11,7).

As to claims 39 and 40, Shaffer discloses the apparatus comprising a bushing and polygonal kelly (col. 1, lines 1-11).

Claims 25 and 34, are rejected under 35 U.S.C. 102(b) as being anticipated by Hugonin, U.S. 3,791,564.

Regarding claim 25, Hugonin discloses a body (27,26,51); a channel (between 26, 27) extending through the body for receiving the torque transmission member (11), engagement members (28,29) coupled to the body adapted to engage the torque transmission member (11), and guide members (32-35) coupled to the engagement members, wherein their movement causes the engagement members (28,29) to engage or disengage the torque transmission member.

As to claim 34, Hugonin discloses an actuating member (45,46) for moving the guide members (32-35).

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Claims 25 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Rhodes, U.S. 644,638.

Regarding claim 25, Rhodes discloses a body (D); a channel (d3) extending through the body for receiving the torque transmission member (A), engagement members (d9) coupled to the body adapted to engage the torque transmission member (A), and guide members (d11) coupled (via d6 and d8) to the engagement members, wherein (rotational) movement of the guide members (d11) causes the engagement members (d9) to engage or disengage the torque transmission member (A).

As to claim 41, Rhodes discloses the apparatus is positionable on a rig floor (C) with the engagement members (d9) beneath the rig floor.

Claims 42-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyd et al., U.S. 1,141,927.

Regarding claims 42, 48, 49 and 51, Boyd et al. discloses a kelly (27) coupled to a downhole tool joint of a wellbore tubular (27 below coupling adjoining sections); and a kelly bushing body (38,37); a channel (about 27) extending through the body, a roller (44) coupled to the body adapted to engage the kelly, a guide member (33) movably coupled (at 33a) to the body, wherein movement of the roller (44) along the guide member (33) causes the roller to engage or disengage the kelly (page 3, lines 27-63).

As to claims 43 and 44, Boyd et al. discloses torque generated a rotary table (37,39) is transmitted to the kelly (27) through the kelly bushing.

As to claims 45-47, Boyd et al. discloses the kelly (27) comprises a complementary polygonal profile for mating with the profile (45) of the roller (44).

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As to claim 50, Boyd et al. discloses in figure 17 the kelly (27) is larger than a diameter of the downhole tool (47).

Response to Arguments

Applicant's arguments filed 17 March 2005 with respect to Tullos and Derrick have been fully considered and are persuasive.

Applicant's arguments filed 17 March 2005 with respect to Rhodes and claim 25 has been fully considered but they are not persuasive.

Applicants argues the prior art of Rhodes does not disclose guide members coupled to the engagement member, wherein movement of the guide members causes the engagement members to engage or disengage the member.

The prior art adjusting nuts (d11) are coupled indirectly to the engagement members (d9) wherein rotational movement of the nuts causes the engagement members to move.

Allowable Subject Matter

Claims 1 and 2 are allowed.

Claims 35, 36 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest all the claimed subject matter including the roller axle positioned in the roller support axle slots and base axle slots.

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The prior art of record does not disclose or suggest all the claimed subject matter including the actuator and intersecting guide members.

The prior art of record does not disclose or suggest all the claimed subject matter including intersecting guide members having a point of intersection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

14 June 2005
KT


DAVID BAGNELL
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